

EXHIBIT

A

Patrick Murphy

From: Paula Colbath <pcolbath@loeb.com>
Sent: Sunday, June 23, 2024 6:19 AM
To: Patrick Murphy; Alex Inman; Scott C. Murray
Cc: Hirsch, Danny; Feinstein, Marc; Khale J. Lenhart; Marc Gottlieb; David Forrest; Sean Larson; Leily Lashkari; sparikh@omm.com; Meggan Hathaway; Pao, William K.; diden@omm.com; Kari Hartman; MineOne-BCB
Subject: Re: BCB v MineOne et al - Supplemental Exhibits

Pat: We are disclosing the witness as a courtesy to you. Based on your designated witnesses and exhibits, we anticipate calling him as a rebuttal witness, which we do not need to disclose to you, but again we are doing so as a courtesy to you.

Given that this is an evidentiary hearing and not oral argument on a motion, we would appreciate it if you would send us complete copies of your designated exhibits, rather than isolated snippets and single pages from documents, so we can avoid burdening the record with the discussion of same on Wednesday. I'm sure you, like us, want to have a proper appellate record.

Paula

Paula Colbath
Partner



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From: Patrick Murphy <pmurphy@wpdn.net>
Sent: Saturday, June 22, 2024 9:42:05 PM
To: Alex Inman <ainman@loeb.com>; Scott C. Murray <smurray@wpdn.net>
Cc: Hirsch, Danny <dhirsch@omm.com>; Feinstein, Marc <mfeinstein@omm.com>; Khale J. Lenhart <KLenhart@hirstapplegate.com>; Paula Colbath <pcolbath@loeb.com>; Marc Gottlieb <msg@orllp.legal>; David Forrest <dforrest@loeb.com>; Sean Larson <slarson@hkwyolaw.com>; Leily Lashkari <lashkari@loeb.com>; sparikh@omm.com <sparikh@omm.com>; Meggan Hathaway <mhathaway@spkm.org>; Pao, William K. <wpao@omm.com>;

diden@omm.com <diden@omm.com>; Kari Hartman <khartman@hkwyolaw.com>

Subject: RE: BCB v MineOne et al - Supplemental Exhibits

Alex:

BCB wholly objects to the MineOne Defendants trying to designate supplemental exhibits and a supplemental witness for the June 26 evidentiary hearing.

On June 13, 2024, Judge Johnson issued the Court's Order saying, "the parties **shall** exchange and file anticipated witness lists **no later than** June 19, 2024." And Judge Johnson also ruled that "the parties **shall** exchange and file anticipated exhibits **no later than** June 24, 2024."

Then, on June 21, you asked the Court to limit the parties to only two hours of presentation time each. And, later than day, Judge Johnson limited the parties to ninety (90) minutes of evidence presentation, even though BCB needs – and requested – 3.25 hours to present its evidence.

Yet now the MineOne Defendants seek to add another witness (which it has long known about) and exhibits (which have been available to MineOne) **on the weekend before the hearing**. That is patently unfair and prejudicial to BCB. I reserve all of BCB's additional objections to this untimely disclosure after I have the chance – if I can even find the time in the next three days – to look at the **new exhibits** and consider the new witness you are first disclosing at 7:30 pm on Saturday night, June 22.

Pat Murphy

Counsel for Plaintiff BCB Cheyenne LLC



Patrick J. Murphy

Attorney at Law

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From: Alex Inman <ainman@loeb.com>

Sent: Saturday, June 22, 2024 7:26 PM

To: Patrick Murphy <pmurphy@wpdn.net>; Scott C. Murray <smurray@wpdn.net>

Cc: Hirsch, Danny <dhirsch@omm.com>; Feinstein, Marc <mfeinstein@omm.com>; Khale J. Lenhart <KLenhart@hirstapplegate.com>; Paula Colbath <pcolbath@loeb.com>; Marc Gottlieb <msg@orllp.legal>; David Forrest <dforrest@loeb.com>; Sean Larson <slarson@hkwyolaw.com>; Leily Lashkari <llashkari@loeb.com>;

sparikh@omm.com; Meggan Hathaway <mhathaway@spkm.org>; Pao, William K. <wpao@omm.com>;
diden@omm.com; Kari Hartman <khartman@hkwyolaw.com>

Subject: BCB v MineOne et al - Supplemental Exhibits

I'm using Mimecast to share large files with you. Please see the attached instructions.

Counsel:

Attached are supplemental exhibits that the MineOne Defendants are designating for the Evidentiary Hearing.

The MineOne Defendants are also designating an additional witness: Ed Deignan.

An amended exhibit/witness list will be filed with the Court on Monday.

Regards,

Alex

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